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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,135	11/14/2000	Pradeep Javangula	50269-0503	3533

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EXAMINER
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POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/713,135	Applicant(s) JAVANGULA ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### **REMARK:**

1. Applicant's representative argues that Green et al do not disclose receiving first order data and device identification data from a mobile device then states that Green et al transmit information necessary for a merchant to process an order.

Green et al teach a remote ordering system in which a user in possession with a DPU 10 transmits ordering information to a DTFC 12 serving as an intermediary which eventually transmits the purchase order to a merchant 14. See column 5, lines 49-63).

In response, Green et al do teach transmitting necessary information such as merchant name and location, user name, address, account number, payment arrangements, delivery options and consumer profile to an intermediary 12 for a merchant to process an order. See column 5, lines 22-28. Green et al further teach the DPU stores the user and merchant identification data (column 5, lines 28-39) and transmits such information to the DTFC when desiring to purchase one or more products from one or more merchants. The DPU 10 of Green et al is a mobile device since it is a portable device located remotely from the DTFC 12 and merchant 14. the DPU 10 transmits remote ordering data to the DTFC 12 using cellular or wired, satellite or fiber-optic communications. See column 4, lines 61-67. communication between the DTFC 12 and the merchant 14 is via a telephonic serial data transfer, a serial or parallel

transfer of information over a data bus or link, or a serial transfer of information over a communications network such as the Internet. See column 5, lines 7-21.

The system of Green et al is a mobile device since it is a portable device and transmits data using cellular or satellite or fiber optic communications. Most portable devices include an identification data serving as one of many user identifications. For example, cell phones identification data include cell phone number and device identification. Green et al require that user identification be transmitted with the purchase order. Transmitting device identification would have been one of the required identification to be transmitted in a purchase order or interaction with the DTFC 12 so as to preserve the integrity and security of the combined system of Green et al and Sandber-Diment.

Applicant's representative then argues that Sandberg-Diment relates to a credit card verification technique but do not disclose a device identification or even a mobile device.

In response, Sandberg-Diment was not applied to denote teachings of a device identification or a mobile device. The Sandberg-Diment reference has been applied to show teachings of

"storing at an intermediary, information that specifies that minimum set of data required by the one merchant to completely process the order; comparing by the intermediary first order data to the minimum set of data required by the one merchant to completely process the order; retrieving by the intermediary based upon the comparison

and the device identification data, at least one data item that is not included in the first order data, but that is needed to have the minimum set of data required by the one merchant to completely process the order; generating by the intermediary based upon the first order data and the at least one data item, second order data that includes the minimum set of data required by the one merchant to completely process the order and providing the second order data to the one merchant for processing". These limitations were noted to be taught on column 2, lines 9-67 of Sandberg-Diment.

The prior Office action is repeated below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al (US Patent No. 5,664,110) and Sandberg-Diment (US Patent No. 5,826,245).

As per claims 1, 15, 29, 43 and 44 Green et al disclose a remote ordering system for allowing a user using a mobile device to order goods/services from a remote merchant via the Internet or using a web based system. The system comprises:

Receiving at an intermediary disposed between and separate from a mobile device or DPU and a plurality of merchants, first order data for an order and device identification data from the mobile device, wherein the first order data identifies one or more products or services that a user associated with the mobile device desires to purchase from one of the plurality of merchants (column 2, lines 50-63 and column 5, lines 49-63 of Green et al). Green et al do not explicitly state the order data yet includes less than a minimum set of data required by the one merchant to completely process the order.

Sandberg-Diment discloses an electronic commerce system wherein a “verification information is provided with respect to a transaction between an initiating party and a verification-seeking party, the verification information being given by a third, verifying party, based on confidential information in the possession of the initiating party.” See the abstract. In so doing, Sandberg-Diment discloses:

Storing at an intermediary, information that specifies that minimum set of data required by the one merchant to completely process the order; comparing by the intermediary first order data to the minimum set of data required by the one merchant to completely process the order; retrieving by the intermediary based upon the comparison and the device identification data, at least one data item that is not included in the first order data, but that is needed to have the minimum set of data required by the one merchant to completely process the order; generating by the intermediary based upon the first order data and the at least one data item, second order data that includes the

minimum set of data required by the one merchant to completely process the order and providing the second order data to the one merchant for processing.

Applicant is directed to column 2, lines 9-67 of Sandberg-Diment.

Green et al teach that information not provided during a transaction may be retrieved from a merchant's database in order to complete the customer's order. See column 8, lines 28-63 of Green et al. Sandberg-Diment also discloses retrieving billing information from an intermediary in order to complete a transaction. See column 3 of Sandberg-Diment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sandberg-Diment into the system of Green et al in order to allow a customer to complete a transaction in a secure manner.

As per claims 2-10, 16-24 and 30-38 see column 8, lines 29 to column 10, line 41 of Green et al and column 2, line 32 to column 3, line 42.

As per claims 11, 25 and 39 the mobile device of Green et al transmits order data over a wireless communications link. See column 4, lines 61-66 of Green et al.

As per claims 12-14, 26-28 and 40-42, the mobile device is a mobile telephone, digital assistant or personal computer having device identification data. See column 4, lines 61-66 of Green et al and figure 1 of Sandberg-Diment.

As per newly added claims 45-48, Green et al discloses using mobile communications devices. Green et al further teach the mobile device receives product and service information according to the type of mobile device and the communications

protocol used by the mobile device as determined by the device identification. See column 5, lines 7-2130-43 of Green et al.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**

FP  
March 08, 2006